

**BURSOR & FISHER, P.A.**

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*Counsel for Plaintiff*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JOHN DOE, individually and on behalf of all  
other persons similarly situated,

Plaintiff,

v.

PHILLIP MORRIS INTERNATIONAL INC.  
and SWEDISH MATCH NORTH AMERICA,  
LLC,

Defendants.

Case No. 2:24-CV-00987-TLN-CKD

**STIPULATION AND ORDER FOR  
LEAVE TO FILE AMENDED  
COMPLAINT**

Pursuant to Local Rules 143 and 144, Plaintiff John Doe (“Plaintiff”) and Defendants Swedish Match North America LLC (“Swedish Match”) and Philip Morris International Inc. (“PMI”) (collectively, “Defendants”), by and through their respective counsel, hereby agree and stipulate to Plaintiff’s filing of a first amended complaint and an extension of time for Defendants to respond to Plaintiff’s Amended Complaint.

WHEREAS, this stipulation is made in good faith and not for the purpose of undue delay.

This stipulation will not alter any deadline previously set by the Court;

WHEREAS, Plaintiff filed his Complaint in this Court on March 29, 2024;

WHEREAS, Plaintiff served Swedish Match on April 4, 2024, and served PMI on April 5, 2024;

WHEREAS, Defendants received one extension of 28 days to respond to Plaintiff’s Complaint pursuant to Local Rule 144(a);

WHEREAS on April 1, 2024, Plaintiff filed an Administrative Motion to Proceed Under a Pseudonym (ECF No. 2.) (the “Motion”);

WHEREAS on May 8, 2024, Swedish Match filed its opposition to Plaintiff’s Motion (ECF No. 17);

WHEREAS, Plaintiff withdraws his Motion;

WHEREAS, the Parties have met and conferred and IT IS HEREBY STIPULATED by and between Plaintiff and Defendants:

1. Plaintiff shall file by May 23, 2024, an amended complaint for the sole purposes of disclosing his name and amending his claim for damages under California’s Consumer Legal Remedies Act;
2. This amendment shall not waive Plaintiff’s right to amend his Complaint under Fed. R. Civ. P. 15(a)(1);
3. Defendants shall have 21 days from the filing of Plaintiff’s amended complaint to respond, by answer, motion, or otherwise;

4. Defendants do not waive any jurisdictional, affirmative, or other defenses<sup>1</sup> and reserve all rights, including the right to seek any additional extension of time for good cause.

Dated: May 20, 2024

Respectfully submitted,

**BURSOR & FISHER, P.A.**

By: /s/ Brittany S. Scott

Brittany S. Scott (State Bar No. 327132)  
bscott@bursor.com

*Counsel for Plaintiff and the Putative Class*

Dated: May 20, 2024

**MUNGER, TOLLES & OLSON LLP**

By: /s/ Bethany W. Kristovich  
(As authorized on May 17, 2024)

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*Attorneys for Defendant Swedish Match North America LLC*

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<sup>1</sup> Defendants' participation in this stipulation and request for an extension of time is not intended to waive and should not be construed to waive any challenge to personal jurisdiction or other defense available to Defendants under Rule 12(b). *See Johnson v. Comm'n on Presidential Debates*, 2014 WL 12597805, at \*4–5 (C.D. Cal. Jan. 6, 2014); *see also Freeney v. Bank of Am. Corp.*, 2015 WL 4366439, at \*20 (C.D. Cal. July 16, 2015) (filing a notice of related cases, notice of appearance, and motion for extension of time to answer did not constitute a waiver of Rule 12(b) defense); *Benny v. Pipes*, 799 F.2d 489, 493 (9th Cir. 1986) (“Generally, a motion to extend time to respond gives no hint that the answer will waive personal jurisdiction defects, and is probably best viewed as a holding maneuver while counsel consider how to proceed.”).

1 Dated: May 20, 2024

**LATHAM & WATKINS LLP**

2 By: /s/ Christine G. Rolph  
3 (As authorized on May 17, 2024)

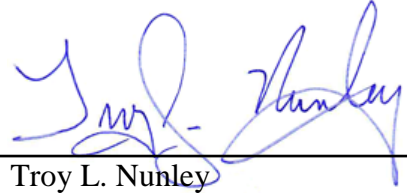
4 Christine G. Rolph (SBN 190798)  
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6 *Attorney for Defendant Philip Morris International*  
7 *Inc.*  
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**ORDER**

IT IS SO ORDERED.

Date: May 20, 2024



Troy L. Nunley  
United States District Judge